

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-11578PBS

FIREMAN'S FUND INSURANCE)
COMPANY)
As Subrogee of Hodan Properties, Inc.)

Plaintiff,)
vs.)
FIRE SYSTEMS, INC.,)
FIRE SUPPRESSION SYSTEMS OF)
NEW ENGLAND, INC.,)
PRO CON, INC., and)
BRIERE & PAQUETTE, INC. f/k/a)
PAQUETTE ELECTRIC CO, INC.)

Defendants)

**DEFENDANT, FIRE SUPPRESSION SYSTEMS OF NEW
ENGLAND, INC.'S OBJECTIONS TO PROPOSED
WITNESS AND EXHIBIT LISTS**

Defendant, Fire Suppression Systems of New England, Inc. (hereinafter "FSS"), objects to the following witnesses and exhibits:

Plaintiff's Witnesses

1. Richard Papetti, P.E.

For all of the reasons set forth in the Motion to Preclude Expert Testimony recently filed with the court. In addition, should the testimony be allowed, FSS objects to portions of the proposed expert testimony on the basis that it is not supported by the facts established, lacks proper foundation, is improper opinion testimony and cannot form the basis of an expert opinion based on a reasonable degree of scientific certainty.

2. Bruce Swerling

This witness was not previously disclosed.

3. Doug Maxwell

This witness was not previously disclosed and the late disclosure is inadequate.

4. James DiChiara

This witness was not previously disclosed and the late disclosure does not comply with the required expert disclosure and is therefore incomplete and inadequate.

Plaintiff's Exhibits:

1. Fungal remediation plan, testing and reports, Envirotech invoices, Contents Inventory, American Hotel Register, Replacement Quotes, Hydro-Environmental Technologies Invoices, Draft Detail Report, Business Income Loss Summary, Business Income and Extra Expense Summary, Statement of Loss, Stoner & Company invoice and estimates

Inadequate foundation, hearsay, requires expert testimony which would be untimely and prejudicial if offered at this late date

2. Servicemaster report, general release and correspondence related to 2/1/03 loss

Inadequate foundation, hearsay, requires expert testimony, untimely disclosure

3. Sworn Statements of Loss

Inadequate foundation, authentication, hearsay, requires expert testimony, untimely disclosure

4. Papetti Report dated 12/23/05

Portions of the proposed report on the basis that it is not supported by the facts established, lacks proper foundation, is improper opinion testimony and cannot form the basis of an expert opinion based on a reasonable degree of scientific certainty, lack of completeness

FSI Witnesses

1. Thomas Klem

For all of the reasons set forth in the Motion to Preclude Expert Testimony recently filed with the court. In addition, should the testimony be allowed, FSS objects to portions of the proposed expert testimony on the

basis that it is not supported by the facts established, lacks proper foundation, is improper opinion testimony and cannot form the basis of an expert opinion based on a reasonable degree of scientific certainty.

FSI Exhibits

1. Photographs taken by Thomas Klem

Do not fairly and accurately portray site at time of loss, inability of witness to identify location of subject of photograph or tie to this particular site, in addition see reasons set forth for objection above to testimony by Tom Klem.

2. Some photographs taken by Richard Papetti

Do not fairly and accurately portray site at time of loss, inability of witness to identify location of subject of photograph or tie to this particular site, in addition see reasons set forth for objection above to testimony by Richard Papetti.

Defendant, FSS reserves the right to supplement these objections.

The defendant,

Fire Suppression Systems of
New England, Inc.
By its attorneys,

/s/Jocelyn M. Sedney

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Dated: August 29, 2006